

HOUSE BILL No. 1505

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4.

Synopsis: Public access to jury lists. Provides that the names of prospective jurors are open to examination as a public record unless the supervising judge rules them confidential. Authorizes the supervising judge to rule the names confidential if the judge reasonably believes that disclosure would endanger the prospective jurors' safety or lead to jury tampering. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2001.

Ayres, Sturtz, Kuzman, Richardson

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1505

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-5-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The commissioners shall
3 immediately, from the names of legal voters and citizens of the United
4 States on the latest tax duplicate and the tax schedules of the county,
5 examine for the purpose of determining the sex, age, and identity of
6 prospective jurors, and proceed to select and deposit, in a box furnished
7 by the clerk for that purpose, the names, written on separate slips of
8 paper of uniform shape, size, and color, of twice as many persons as
9 will be required by law for grand and petit jurors in the courts of the
10 county, for all the terms of such courts, to commence with the calendar
11 year next ensuing. Each selection shall be made as nearly as possible
12 in proportion to the population of each county commissioner's district.
13 In making such selections, they shall in all things observe their oath,
14 and they shall not select the name of any person who is to them known
15 to be interested in or has cause pending which may be tried by a jury
16 to be drawn from the names so selected. They shall deliver the box,
17 locked, to the clerk of the circuit court, after having deposited therein



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1 the names as herein directed. The key shall be retained by one (1) of
2 the commissioners, not an adherent of the same political party as is the
3 clerk.

4 (b) In a county containing a consolidated city, the commissioners
5 may, upon an order made by the judge of the circuit court and entered
6 in the records of the circuit court of the county, make such selections
7 and such deposits monthly instead of annually and may omit the
8 personal examination of prospective jurors, the examination of voters
9 lists, and make selection without reference to commissioners' districts.
10 The judge of the circuit court in any such county containing a
11 consolidated city may appoint a secretary for the jury commissioners,
12 and sufficient stenographic aid and clerical help to properly perform
13 the duties of the commissioners and may fix the salaries of the
14 commissioners, the secretary, and stenographic and clerical employees,
15 and may also provide office quarters and necessary supplies therefor,
16 all of which shall be paid for from the treasury of the county upon the
17 order of the court.

18 (c) Subject to appropriations made by the county fiscal body, the
19 jury commissioners may utilize a computerized jury selection system.
20 However, the system utilized for the selection system must be fair and
21 may not violate the rights of persons with respect to the impartial and
22 random selection of prospective jurors. The jurors selected under the
23 computerized jury selection system must be eligible for selection under
24 this chapter. The commissioners shall deliver the names of the
25 individuals selected to the clerk of the circuit court. The commissioners
26 shall observe their oath in all activities taken under this subsection.

27 (d) The jury commissioners may supplement voter registration lists
28 and tax schedules under subsection (a) with names from lists of persons
29 residing in the county that the jury commissioners may designate as
30 necessary to obtain a cross section of the population of each county
31 commissioner's district. The lists designated by the jury commissioners
32 under this subsection must be used for the selection of jurors
33 throughout the entire county.

34 (e) The supplemental sources designated under subsection (d) may
35 consist of such lists as those of utility customers, persons filing income
36 tax returns, motor vehicle registrations, city directories, telephone
37 directories, and driver's licenses. These supplemental lists may not be
38 substituted for the voter registration list. The jury commissioners may
39 not draw more names from supplemental sources than are drawn from
40 the voter registration lists and tax schedules.

41 **(f) Except as provided in subsection (g), the names selected**
42 **under subsection (a) shall be open to the public for examination as**

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1 a public record, except that the source of names and information
 2 other than names contained in that source shall not be public
 3 information.

4 (g) The names selected under subsection (a) or any list compiled
 5 from the names selected may be ruled confidential by order of the
 6 supervising judge if the judge reasonably believes disclosure
 7 would:

8 (1) endanger the safety of potential or selected jurors; or

9 (2) lead to jury tampering.

10 SECTION 2. IC 33-4-5.5-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The jury
 12 commissioner shall compile and maintain a master list consisting of all
 13 the voter registration lists for the county, supplemented with names
 14 from other lists of persons resident in the county which the Indiana
 15 supreme court shall from time to time designate as necessary to obtain
 16 the broadest cross-section of the county, having determined that use of
 17 such supplemental lists is feasible. The supreme court shall exercise
 18 the authority so to designate from time to time in such manner as to
 19 foster the policy and protect the rights secured by this article. These
 20 supplemental sources may consist of such lists as those of utility
 21 customers, property taxpayers, persons filing income tax returns, motor
 22 vehicle registrations, city directories, telephone directories, and driver's
 23 licenses. Such lists may not be substituted for the voter registration list.
 24 In drawing names from such supplemental lists, the jury commissioner
 25 shall avoid duplication of names.

26 (b) ~~(1)~~ Whoever has custody, possession, or control of any of the
 27 lists making up or used in compiling the master list, including those
 28 designated under subsection (a) of this section by the supreme court as
 29 supplementary sources of names, shall furnish the list to the jury
 30 commissioner for inspection, reproduction, and copying at all
 31 reasonable times.

32 ~~(2)~~ (c) When a copy of a list maintained by a public official is
 33 furnished, only the actual cost of the copy may be charged to the court.

34 ~~(3)~~ (d) Except as provided in subsection (e), the master list of
 35 names shall be open to the public for examination as a public record,
 36 except that the source of names and any information other than name
 37 contained in that source shall not be public information.

38 (e) The names drawn or any list compiled from the master list
 39 may be ruled confidential by order of the supervising judge if the
 40 judge reasonably believes disclosure would:

41 (1) endanger the safety of potential or selected jurors; or

42 (2) lead to jury tampering.

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SECTION 3. IC 33-4-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) Names must be drawn for juror service quarterly, based on a calendar year commencing in January. A public drawing of names for the next quarter must be held during the first week of the second month of the quarter next preceding that for which names are being drawn, at a time and place prescribed by the jury commissioner.

(b) The jury commissioner shall create and file an alphabetical list of names drawn under this section. The alphabetical list may be in the form of a serial listing or discreet records (such as punched cards, addressograph plates, or computer records) filed together to constitute the alphabetical list. Names may not be added to the alphabetical list, except by order of the court. ~~Neither~~ The names drawn ~~nor or~~ any list compiled from the alphabetical list **are open to the public for examination as a public record, except that they may be disclosed to any person other than under this chapter or ruled confidential by order of the supervising judge if the judge reasonably believes disclosure would:**

(1) endanger the safety of potential or selected jurors; or

(2) lead to jury tampering.

(c) The number of names required to be drawn each quarter must be determined by the jury commissioner after consultation with all judges of the courts who may conduct jury trials during the quarter, taking into consideration the number of jurors required for the grand jury.

(d) The frequency of the drawing of names may be increased by the jury commissioner if the jury commissioner determines it necessary for purposes of fairness, efficiency, or to ensure compliance with this chapter.

(e) Names must be drawn randomly under section 16 of this chapter.

(f) Names drawn from the master list may not be returned to the master list until all nonexempt persons on the master list have been called.

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